

## Public Comment Received Regarding Social Security Number Misuse

Comments listed in order received | Comments appear bolded | Editorial notes and changes appear [bracketed]

Comment number:	1	Commenter:	Richard and Wanda Shelton
Organization:	None Given	Title:	None Given

**I strongly agree with the content of the proposed legislation. As member of the US military and subject to deployment at a moment's notice, I am a strong advocate of protecting the privacy of my family. Please act quickly to enact this legislation.**

Comment number:	2	Commenter:	Deborah Aylward
Organization:	Private Investigators Assoc. of VA	Title:	President

[Comments edited by JCOTS staff due to submission's length; every attempt has been made to include all specific comments regarding the draft legislation in question.]

[From page 3 of comments:]

**Examining HB 753 Social Security Number Misuse, private sector investigative professionals became concerned with language that, unless otherwise provided by law, would prohibit the intentional communication of SSNs to the general public. ... *Black's Law Dictionary* ... defines ... public [as] ... "The people of a nation or community as a whole." ... [T]here is the concern that this item could be interpreted as meaning: Intentionally communicate, in any manner, an individual's social security number to "the people of a nation." ... [C]ould not these responsible users of unique personal identifiers ... [private investigators] be considered the people of a nation, or the public in general?**

[From page 4 of comments]

**[W]e submit for your committee's consideration ... exception language that would provide for the lawful communication of an individual's SSN for legitimate business purposes. ... Failing the Committee's interest in a broad exception for legitimate business use, we recommend a specific exception for private security services personnel.**

Comment number:	3	Commenter:	Mike Stollenwerk
Organization:	Fairfax County Privacy Council	Title:	Chairman

[Comments edited by JCOTS staff due to submission's length; every attempt has been made to include all specific comments regarding the draft legislation in question.]

[From page 4 of comments:]

**Fairfax County Privacy Council Supports these proposals but believes that the proposed language at Va. Code § 59.1-443.2(A)(1) is vague and generally problematic. We recommend that the language at Va.**

**Code § 59.1-443.2(A)(1) be replaced with civil penalties for failing to adhere to any warrantee issued to a consumer that her SSN will not be shared or published.**

Comment number:	4	Commenter:	Laurie Peterson
Organization:	Virginia Retail Merchants Assn.	Title:	President

**We have a real problem with this proposed legislation. Business worked countless hours on how to amend this but those changes don't appear.**

**The problems are too lengthy to describe in an email.**

Comment number:	5	Commenter:	J. Stephen Zielezienski
Organization:	American Insurance Association	Title:	Vice Pres. & Assoc. Gen. Counsel

[Comments edited by JCOTS staff due to submission's length; every attempt has been made to include all specific comments regarding the draft legislation in question.]

[From page 2 of comments:]

**First, assuming that § 2.2-2818 is a stand-alone section dealing with state employees, the identification number proposal should be removed in deference to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") individual identifier as the best solution.**

[The Department of Health and Human Services has delayed any implementation of such a program after much controversy surrounding privacy implications.]

**Second, under § 59.1-200, assuming "supplier" could include insurer, it would generate a significant cost burden for consumers to be given a choice to have their license number used or some "alternate" number. Systems would have to be reengineered to accept multiple types and lengths of numbers. In addition, as this is state-driven, systems would have to support significant state differences – a costly proposition.**

[Supplier is defined in § 59.1-198 of the Virginia Consumer Protection Act as "a seller, lessor or licensor who advertises, solicits or engages in consumer transactions, or a manufacturer, distributor or licensor who advertises and sells, leases or licenses goods or services to be resold, leased or sublicensed by other persons in consumer transactions." "Consumer Transactions" does not include insurance.]

**Third, § 59.1-443.2(A)(5) may not square with existing social security number and privacy laws in other jurisdictions. We would like clarification that this wording allows those entities subject to GLBA and other laws that govern the use of nonpublic personal information such as social security numbers to be covered by the exception in this provision.**

[This provision covers all entities covered by existing privacy laws; it was removed by the Committee.]

**Fourth, § 59.1-443.2(B)(3) contains a narrow exception that is not consistent with other state social security number legislation we have reviewed. We would recommend the following alternative language to replace the third sentence in that provision: "This act does not prevent the collection, use, or release of a social security number as required, authorized or permitted by state or federal law or the use of a social security number for internal verification, administrative purposes, as necessary to effect, administer, or enforce a transaction or in connection with servicing, adjusting or processing a product or service."**

[Unlike other states, this bill would not allow any use for internal verification or administrative purposes if another law currently prohibits that use.]